

DEFENDANTS.

[illegible]

CASE NO.: 1:05-cv-1062-F

2. Plaintiff alleges that it has complied with Rule 9(b) of the Federal Rules of Civil Procedure in that it has alleged “the circumstances constituting fraud... with particularity.”

3. In paragraph 3. of Defendants Motion for More Definite Statement, it refers to paragraph 7. which only completes the allegations of fraud against the Defendants in this case. Paragraph 6., actually outlines the particularities and the circumstances constituting the fraud and misrepresentation.

4. Plaintiff respectfully submits it has also complied with Rule 12(e) of the Federal Rules of Civil Procedure. Plaintiff further submits that in doing so it respectfully submits that the clarity of the allegations of fraud in Count Two of said complaint in paragraph 6., are clear and unambiguous allegations specifically stating the fraud committed by the Defendants against the Plaintiff in this case which will allow Defendant's to prepare and file a responsive pleading thereto.

5. For that the Defendants have adequate discovery procedures available to them under the rules. Any other particulars that they might be referring to could be explored and determined by proper discovery.

6. For that there is substantial basis for denying the Motion for More Definite Statement of Defendant's in this case. In fact, there is much authority for considering making such a motion an obsolete procedure.

NOW THEREFORE, Plaintiff prays that the court will enter an order


denying Defendants Motion for More Definite Statement.

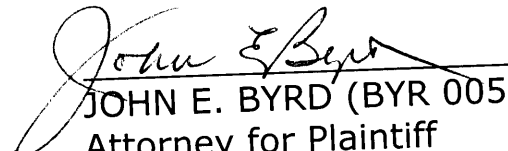
Done this the 20 day of December, 2005.

CERTIFICATE OF SERVICE

I do hereby certify that I have served a copy of the foregoing upon the Honorable Craig A. Alexander and Honorable Michael L. Wade, Adams and Reese LLP, Attorneys at Law, 2100 3rd Avenue, Suite 1100, Birmingham, Alabama 35203 by placing a copy of same properly addressed and postage prepaid in the U.S. mail.

Dated this the 20 day of Dec., 2005.


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